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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/032,408	12/31/2001	Richard A. Steiner	122-113	5706

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EXAMINER

TRINH, MINH N

ART UNIT	PAPER NUMBER
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3729

DATE MAILED: 09/26/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/032,408

Applicant(s)

STEINER, RICHARD A.

Examiner

Minh Trinh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 April 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 2-12, "An" (line 1) should be changed to: --The--, in order to reflect the dependent claims format. Also, the phrase "as pair of spring " should be: "a pair of spring". Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The following are examples:

It is not clear how "a body" (claim 1, line 2) is being attached to the "supports" (line 3) and what exact structure elements are being referring to "supports" (as recited in claim 1, line 3). Applicant is required to clarify this subject matter.

The phrase: "to support a cable and uncompressed end connector parts" (as recited in claim 1, lines 3-6, etc. which made the scope of the claims unclear because the claims contain limitation above which directed to the outside structural element and define the apparatus relative to the outside structure, for above reasons. It is not clear whether applicant is solely relying on the compression tool alone for patentability or whether applicant is relying on the tool in combination with the cable and end connector patentability. Applicant is required to clarify what the claims are intended to be drawn to,

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i.e., either the apparatus alone or the apparatus in combination with sockets and a board. Applicant should make the language of the claim consistent with applicant's intent. In formulating a rejection on the merits, the examiner is considering that the claims are drawn to the tool and the claims will be rejected accordingly.

It is noted that if applicant indicated by amendment that the combination of the tool and a cable, etc, is the intention, the language in the preamble should be made consistent with the language in the body of the claims. If the intent is to claim the subcombination (tool), then the body of the claims must be amended to remove positive recitation of the combination. For example: the phrase: "to support" should be changed to: "for support . . .", or "adapted for . . ."; or "capable of . . ."; etc., so as to remove the positive recitation of the combination from the body of the claims.

Claim 4, the limitation: "said supports comprise as pair of spring loaded fingers and an end of said compressor member" appears to be incorrect as seen in Fig. 1 shows the supports comprise a pair of spring loaded fingers 100 and 102 and guard extensions 110 and 112, and "an end of the compression member" is clearly part of the pin carriage 42 which is not part of the supports. Please clarify.

The phrase: " is an optional sliding plate" (claim 7, lines 2 and 4) is not positive limitation. In that it is not clear whether the support is actually being sliding plate.

Above are only some examples as pointed out by the examiner, Applicants should carefully revise the claims to positively recite the claimed structure limitations.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 1, as best understood is rejected under 35 U.S.C. 102(a) as being anticipated by Steiner (US D455,325) herein after '325.

The '325 teaches a compression tool comprising: a body, supports for support a cable a compression member axially movable with respect to said body to fixedly attached said end connector part; a handle rotatably attached to said compression member at a first pivot point; and a link rotatably attached to said handle at a second pivot point and to said body at a third pivot point, such that rotation of said handle from an open position to a closed position effects compressive for attachment of said end connector parts to cable (see Figs. 1-10 and the description, lines 1-19).

6. Claim 1, as best understood is also rejected under 35 U.S.C. 102(b) as being anticipated by Sato (US 4,790,068).

Sato teaches a compression tool comprising: a body 1, supports 51, 52 for support a cable; a compression member 8 (die) axially movable with respect to said body adapted to fixedly attached said end connector part; a handle 2 rotatably attached to said compression member 8 at a first pivot point 1a; and a link rotatably attached to said handle 2 at a second pivot point and to said body 1 at a third pivot point (see

Fig.1), such that rotation of said handle 1 from an open position to a closed position effects compressive adapted to attach said end connector parts to cable (see Fig. 1).

7. Claims 1, 11 and 12, as best understood is rejected under 35 U.S.C. 102(b) as being anticipated by Nilsson et al (US 5,509,291).

Nilsson et al teaches a compression tool comprising: a body 1, supports 19a and 19b adapted to support a cable; a compression member 4 (die) axially movable with respect to said body 1 adapted to fixedly attached said end connector part; a handle 7 rotatably attached to said compression member 4 at a first pivot point 5; and a link rotatably attached to said handle 7 at a second pivot point and to said body 1 at a third pivot point 11(see Fig. 3), such that rotation of said handle 1 from an open position to a closed position effects compressive capable of attachment of said end connector parts to cable (see Fig. 3).

It is noted that regarding the limitation recites "effects compressive attachment of said end connector parts to said cable" is directed to the combination cable and the end connector parts which are not further limiting the claimed structure. Moreover, it appears that the applied art meets every detailed structure limitation therefore it is capable of performing the limitation above.

Limitations as recited in claims 11 and 12 are also met by Nilsson et al (see Fig. 1-3).

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8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 2, as best understood is rejected under 35 U.S.C. 103(a) as being unpatentable over Nilsson et al. Nilsson et al as relied and applied upon above do not teach the exact dimension regarding the condition statement of line 1 and the limitations set forth in lines 3-17. It would have been an obvious matter of design choice to choose any desired distance with regard to "A" since applicant has not disclosed that these dimension are critical, patentably distinguishing features and it appears that the invention would perform equally well with the condition and configuration as shown in the Nilsson et al reference (see Fig. 1 of Nilsson et al).

As applied to claim 3, Nilsson et al inherently teach the stops formed at distal ends of the body when the tool is in fully closed (see Fig. 3).

10. Claims 4-8 and 9, as best understood are rejected under 35 U.S.C. 103(a) as being unpatentable over Nilsson et al in view of Morris et al (US 5,870,929).

As applied to claim 4, Nilsson et al do not teach the supports that comprise a pair of spring loaded fingers as recited in claim 4 and claims 5-9. Morris et al teaches the concept as discussed above (see Fig. 4 which shows the a pair of spring loaded fingers 96 being connected to an associated supports, discussed at col. 3, lines 39-45).

Therefore, it would have been an obvious to one having skill in the art at the time of the

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invention to employ the Morris's teaching of a pair of spring loaded fingers associated with the supports for supporting on to the tool of Nilsson et al in order to obtain a desired structure by using the available techniques.

As applied to claims 5-9, these limitations are also met as the discussion set forth above (as shown in the Fig. 4, and discussed at col. 3, lines 39-45 of Morris et al).

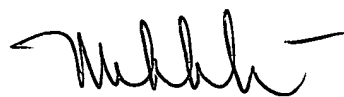
Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art teaching of the connection tool.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh Trinh whose telephone number is (703) 305-2887. The examiner can normally be reached on Monday -Thursday 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on (703) 308-1789. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.



Examiner, AU 3729

Mt
9/18/2003